

109TH CONGRESS
2D SESSION

H. R. 5381

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13, 2006

Received

AN ACT

To enhance an existing volunteer program of the United States Fish and Wildlife Service and promote community partnerships for the benefit of national fish hatcheries and fisheries program offices

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Fish Hatch-
3 ery System Volunteer Act of 2006”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The National Fish Hatchery System (in this
7 Act referred to as the “System”)—

8 (A) consists of more than 60 hatcheries,
9 seven fish technology centers, 9 fish health cen-
10 ters, and other fisheries program offices;

11 (B) plays an integral role in the recovery
12 of more than 50 threatened species and endan-
13 gered species and the restoration of over 100
14 native species;

15 (C) provides healthy fish populations that
16 support recreational fishing opportunities, many
17 of which are related to Federal water control
18 structures; and

19 (D) works with over 250 partners to help
20 mitigate the impacts of aquatic habitat loss and
21 invasive species.

22 (2) The System faces many challenges, includ-
23 ing aging facilities, some of which date back to the
24 late 1800s, and maintenance of intensive infrastruc-
25 tures such as wells, pumps, valves, pipes, filters,
26 heaters, chillers, and treatment systems that must

1 keep clean water moving 24 hours a day, 365 days
2 a year.

3 (3) By encouraging volunteer programs and do-
4 nations and fostering non-Federal partnerships with
5 hatchery facilities, Federal funding for the hatch-
6 eries can be supplemented.

7 (4) By encouraging hatchery educational pro-
8 grams, public awareness of the resources of the Sys-
9 tem and public participation in the conservation of
10 aquatic resources can be promoted.

11 (b) PURPOSES.—The purposes of this Act are the fol-
12 lowing:

13 (1) To encourage the use of volunteers to assist
14 the United States Fish and Wildlife Service in the
15 management of hatcheries within the System.

16 (2) To facilitate partnerships between the Sys-
17 tem and non-Federal entities to promote public
18 awareness of the resources of the System and public
19 participation in the conservation of those resources.

20 (3) To encourage donations and other contribu-
21 tions by individuals and organizations to the System.

22 **SEC. 3. GIFTS TO SYSTEM AND PARTICULAR NATIONAL**
23 **FISH HATCHERIES.**

24 (a) AUTHORIZATION OF GIFTS, DEVISES, AND BE-
25 QUESTS FOR SYSTEM.—In furtherance of the purposes of

1 this Act, the Secretary of the Interior may accept any
2 gifts, devises, or bequests of real and personal property,
3 or proceeds therefrom, or interests therein, for the benefit
4 of the National Fish Hatchery System. Such acceptance
5 may be subject to the terms of any restrictive or affirma-
6 tive covenant, or condition of servitude, if such terms are
7 deemed by the Secretary to be in accordance with law and
8 compatible with the purpose for which acceptance is
9 sought.

10 (b) USE OF GIFTS, DEVISES, AND BEQUESTS.—

11 (1) IN GENERAL.—Any gifts and bequests of
12 money and proceeds from the sales of other property
13 received as gifts or bequests pursuant to this sub-
14 section shall be deposited in a separate account in
15 the Treasury and may be expended without further
16 appropriation by the Secretary for the benefit of the
17 System programs administered by the United States
18 Fish and Wildlife Service.

19 (2) GIFTS, DEVISES, AND BEQUESTS FOR PAR-
20 TICULAR FACILITIES.—

21 (A) DISBURSAL.—Any gift, devise, or be-
22 quest made for the benefit of a facility of the
23 System shall be disbursed only for the benefit
24 of that facility and without further appropria-
25 tions.

1 (B) MATCHING.—Subject to the avail-
2 ability of appropriations and the requirements
3 of the Fish and Wildlife Coordination Act (16
4 U.S.C 661 et seq.) and other applicable law, the
5 Secretary may provide funds to match gifts, de-
6 vise, and bequests made for the benefit of a fa-
7 cility of the System. With respect to each gift,
8 devise, or bequest, the amount of Federal funds
9 may not exceed the amount (or, in the case of
10 property or in-kind services, the fair market
11 value) of the gift, devise, or bequest.

12 **SEC. 4. VOLUNTEER ENHANCEMENT PILOT PROJECTS.**

13 (a) IN GENERAL.—Subject to the availability of ap-
14 propriations, the Secretary of the Interior shall carry out
15 a pilot project at 1 or more facilities of the System. Each
16 pilot project shall provide for a volunteer coordinator for
17 the hatchery facility. The volunteer coordinator shall be
18 responsible for recruiting, training, and supervising volun-
19 teers. The volunteer coordinator may be responsible for
20 assisting partner organizations in developing projects and
21 programs under cooperative agreements under section
22 7(d) of the Fish and Wildlife Act of 1956 (16 U.S.C.
23 742f(d)) and coordinating volunteer activities with partner
24 organizations to carry out the projects and programs.

1 (b) REPORT.—Not later than 3 years after the date
2 of the enactment of this Act, the Secretary shall submit
3 a report to the Committee on Resources of the House of
4 Representatives and the Committee on Environment and
5 Public Works of the Senate evaluating and making rec-
6 ommendations regarding the pilot projects.

7 **SEC. 5. COMMUNITY PARTNERSHIP ENHANCEMENT.**

8 (a) PROJECTS AND PROGRAMS.—Subject to the re-
9 quirements of the Fish and Wildlife Coordination Act (16
10 U.S.C. 661 et seq.) and other applicable law, and such
11 terms and conditions as the Secretary of the Interior de-
12 termines to be appropriate, the Secretary may approve
13 projects and programs for a facility of the System that—

14 (1) promote the stewardship of resources of the
15 hatchery through habitat maintenance, restoration,
16 and improvement, biological monitoring, or research;

17 (2) support the operation and maintenance of
18 the hatchery through constructing, operating, main-
19 taining, or improving the facilities and services of
20 the hatchery;

21 (3) increase the awareness and understanding
22 of the hatchery and the System, through the devel-
23 opment, publication, or distribution of educational
24 materials and products;

1 (4) advance education concerning the purposes
2 of the hatchery and the mission of the System,
3 through the use of the hatchery as an outdoor class-
4 room and development of other educational pro-
5 grams; or

6 (5) contribute financial resources to the hatch-
7 ery, under the terms that require that the net reve-
8 nues be used exclusively for the benefit of the hatch-
9 ery, through donation of net revenues from the sale
10 of educational materials and products and through
11 encouragement of gifts, devises, and bequests.

12 (b) TREASURY ACCOUNT.—Amounts received by the
13 Secretary of the Interior as a result of projects and pro-
14 grams under subsection (a) shall be deposited in a sepa-
15 rate account in the Treasury. Amounts in the account that
16 are attributable to activities at a particular facility of the
17 System shall be available to the Secretary of the Interior,
18 without further appropriation, to pay the costs of inci-
19 dental expenses related to volunteer activities, and to carry
20 out cooperative agreements for the hatchery facility.

21 **SEC. 6. HATCHERY EDUCATION PROGRAM DEVELOPMENT.**

22 (a) GUIDANCE.—Not later than 1 year after the date
23 of enactment of this Act, the Secretary of the Interior
24 shall develop guidance for the hatchery education pro-

1 grams to further the mission of the System and the pur-
2 poses of individual hatcheries through—

3 (1) providing outdoor classroom opportunities
4 for students on fish hatcheries that combine edu-
5 cational curricula with the personal experiences of
6 students relating to fish, aquatic species, and their
7 habitat, and to the cultural and historical resources
8 of the hatcheries;

9 (2) promoting understanding and conservation
10 of fish, aquatic species, and the cultural and histor-
11 ical resources of the hatcheries; and

12 (3) improving scientific literacy in conjunction
13 with both formal and nonformal education programs.

14 (b) HATCHERY PROGRAMS.—Based on the guidance
15 developed under subsection (a), the Secretary of the Inte-
16 rior may, with assistance from the Fish and Wildlife Man-
17 agement Assistance Program, develop or enhance hatchery
18 educational programs as appropriate, based on the re-
19 sources of individual hatcheries and the opportunities
20 available for such programs in State, local, and private
21 schools. In developing and implementing each program,
22 the Secretary should cooperate with State and local edu-

1 cation authorities, and may cooperate with partner organi-
2 zations in accordance with subsection (d).

Passed the House of Representatives September 12,
2006.

Attest:

KAREN L. HAAS,

Clerk.